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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,457	04/09/2004	Ting Feng Tsai	4363SF	2831

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EXAMINER	
GRILES, BETHANY L	
ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/822,457

Applicant(s)

TSAI, TING FENG

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: The claim recites "...as claimed in claim 2..." It is believed that the applicant meant for claim 2 to depend from claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Vento US5988600.
3. Regarding claim 1, Vento discloses a water aerating device 1 for an aquarium, said water aerating device comprising. a container 14 including a chamber formed therein, and including an entrance 16 and an exit 20 arranged to allow water to flow into and out of said chamber of said container, a pipe 24 attached to said entrance of said container, a hose coupled to said pipe, to supply air into said pipe, and means for pumping the water from said pipe into said chamber of said container via said entrance

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of said container (col 6, lines 61-65), to force the water and the air to flow out through said exit of said container 20.

4. Regarding claim 2, Vento discloses the water aerating device as claimed in claim 1 (as best understood), wherein said container includes a partition 15a, 15b to define said chamber thereof.

5. Regarding claim 3, Vento discloses the water aerating device as claimed in claim 2, wherein said pumping means includes a pump (col 6, lines 31-44) attached to said partition 15a 15b of said container, and includes an axle 2 extended into said chamber of said container, and a fan device 10, 12 attached to said axle of said pump for being driven by said pump, to pump the water into and out of said container, and to circulate the water in said aquarium.

6. Regarding claim 4, Vento discloses the water aerating device as claimed in claim 1, wherein said pipe 24 includes an inlet provided therein, and said hose includes a coupler (elements 18 and 24 are described as separate elements, and as such, must inherently have a coupler connecting them, even though one is not expressly disclosed by Vento) coupled to said inlet of said pipe.

7. Regarding claim 5, Vento discloses the water aerating device as claimed in claim 1, wherein said container includes a tub (defined by the Examiner as the space between elements 14 and 15) to define said entrance of said container, and said pipe 24 includes a ferrule attached onto said tub of said container.

8. Regarding claim 6, Vento discloses the water aerating device as claimed in claim 5, wherein said tub of said container includes an outer thread provided thereon, and

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said ferrule (area surrounding element 18) of said pipe includes an inner thread to thread with said outer thread of said tub of said container.

9. Regarding claim 7, Vento discloses the water aerating device as claimed in claim 1, wherein said container includes at least one sucker member 14c for attaching said container to the aquarium.

10. Regarding claim 8, Vento discloses the water aerating device as claimed in claim 1 further comprising a tube 20 attached to said exit of said container to receive the water from said container.

11. Regarding claim 9, Vento discloses the water aerating device as claimed in claim 8, wherein said tube includes a manifold having a plurality of orifices 3 to supply the water into said aquarium.

12. Regarding claim 10, Vento discloses the water aerating device as claimed in claim 8, wherein said tube includes a port (above element 10) having an outlet to supply the water into said aquarium, and a fan device 10 rotatably attached to said port of said tube, for being rotated by the water flowing out of said outlet of said port.

13. Regarding claim 11, Vento discloses the water aerating device as claimed in claim 10 further comprising a frame 15a, 15b coupled to said outlet 20 of said port, said fan device 10 is rotatably attached to said frame with a pivot shaft 11.


***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neshat et al. US5480590 ; Wohlgemuth DE0004123814A1 ; Vento US6655663 ; Vento US6394423.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Bethany L. Griles  
Examiner  
Art Unit 3643

blg

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